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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR § 1.53(b))

| | |
|-------------------------------|---|
| <i>Attorney Docket No.</i> | 4002-3442 |
| <i>First Inventor</i> | Branch |
| <i>Title</i> | INTERBODY FUSION GRAFTS AND INSTRUMENTATION |
| <i>Express Mail Label No.</i> | EL 984271092 US |

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents

ADDRESS TO:
 Mail Stop Patent Application
 Commissioner for Patents
 PO Box 1450
 Alexandria, VA 22313-1450

 22141 U.S. PTO
 10/698702
 103103

1. Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. Applicant claims small entity status.
See 37 CFR 1.27.
3. Specification [Total Pages **46**]
(preferred arrangement set forth below)
 - Descriptive title of the Invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (*if filed*)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. Drawing(s) (35 U.S.C. 113) [Total Pages **35**]
 - Formal Informal
5. Oath or Declaration [Total Pages **6**]
 - a. Newly executed (original or copy)
 - b. Copy from a prior application (37 C.F.R. § 1.63(d))
(for continuation/divisional with Box 18 completed)
 - i. **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
6. Application Data Sheet. See 37 CFR 1.76

7. CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
8. Nucleotide and/or Amino Acid Sequence Submission (*if applicable, all necessary*)
 - a. Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. CD-ROM or CD-R (2 copies); or
 - ii. paper
 - c. Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. Assignment Papers (cover sheet & document(s))
10. 37 C.F.R. § 3.73(b) Statement Power of Attorney (*when there is an assignee*)
11. English Translation Document (*if applicable*)
12. Information Disclosure Statement (IDS)/PTO-1449 Copies of IDS Citations
13. Preliminary Amendment
14. Return Receipt Postcard (MPEP 503) (*Should be specifically itemized*)
15. Certified Copy of Priority Document(s) (*if foreign priority is claimed*)
16. Nonpublication Request under 35 U.S.C. 122(b)(2)(B)(i).
Applicant must attach form PTO/SB/35 or its equivalent.
17. Other: _____

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

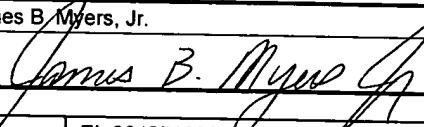
| | | |
|--|-------------------------------------|---|
| <input checked="" type="checkbox"/> Continuation | <input type="checkbox"/> Divisional | <input type="checkbox"/> Continuation-in-part (CIP) |
|--|-------------------------------------|---|

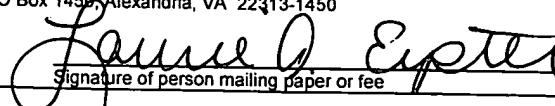
of prior application No: 10/645,412, 09/698,623, and 09/181,353

Group / Art Unit: _____

For CONTINUATION or DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS
 Customer Number or Bar Code Label **30565** or Correspondence address below

| | | | |
|-------------------|---|-----------|---|
| Name | Woodard, Emhardt, Moriarty, McNett & Henry LLP | | |
| Address | Bank One Center/Tower 111 Monument Circle, Suite 3700 | | |
| City | Indianapolis | State | IN |
| Country | USA | Telephone | (317) 634-3456 |
| Name (Print/Type) | James B. Myers, Jr. | | Registration No. (Attorney/Agent) 42,021 |
| Signature |  | | Date October 31, 2003 |

| | | | |
|--|-----------------|-----------------|------------------|
| Express Mail Label No. | EL 984271092 US | Date of Deposit | October 31, 2003 |
| I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR Section 1.10 on the date indicated above and is addressed to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 | | | |
|  Signature of person mailing paper or fee | | | |

103103

U.S. PTO

FEE TRANSMITTAL for FY 2003

Effective 01/01/2003. Patent fees are subject to annual revision.

 Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ 1,710.00)

METHOD OF PAYMENT (check all that apply)

 Check Credit Card Money Order Other None Deposit Account:

Deposit Account Number 23-3030

Deposit Account Name Woodard, Emhardt, Moriarty, McNett & Henry LLP

The Commissioner is authorized to: (check all that apply)

- Charge any fee(s) indicated below Credit any overpayments
 Charge any additional fee(s) during the pendency of this application excluding the payment of issue fees
 Charge fee(s) indicated below, except for the filing fee, to the above-identified deposit account

FEE CALCULATION (continued)

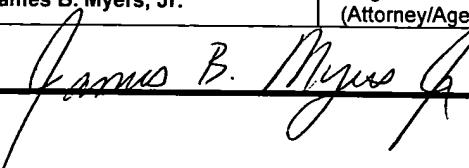
3. ADDITIONAL FEES

| Large Entity | Small Entity | | | Fee Paid |
|------------------------|--------------|----------|----------|--|
| Fee Code | Fee (\$) | Fee Code | Fee (\$) | Fee Description |
| 1051 | 130 | 2051 | 65 | Surcharge - late filing fee or oath |
| 1052 | 50 | 2052 | 25 | Surcharge - late provisional filing fee or cover sheet |
| 1053 | 130 | 1053 | 130 | Non-English specification |
| 1812 | 2,520 | 1812 | 2,520 | For filing a request for ex parte reexamination |
| 1804 | *920 | 1804 | *920 | Requesting publication of SIR prior to Examiner action |
| 1805 | *1,840 | 1805 | *1,840 | Requesting publication of SIR after Examiner action |
| 1251 | 110 | 2251 | 55 | Extension for reply within first month |
| 1252 | 420 | 2252 | 210 | Extension for reply within second month |
| 1253 | 950 | 2253 | 475 | Extension for reply within third month |
| 1254 | 1,480 | 2254 | 740 | Extension for reply within fourth month |
| 1255 | 2,010 | 2255 | 1,005 | Extension for reply within fifth month |
| 1401 | 330 | 2401 | 165 | Notice of Appeal |
| 1402 | 330 | 2402 | 165 | Filing a brief in support of an appeal |
| 1403 | 290 | 2403 | 145 | Request for oral hearing |
| 1451 | 1,510 | 1451 | 1,510 | Petition to institute a public use proceeding |
| 1452 | 110 | 2452 | 55 | Petition to revive - unavoidable |
| 1453 | 1,330 | 2453 | 665 | Petition to revive - unintentional |
| 1501 | 1,330 | 2501 | 665 | Utility issue fee (or reissue) |
| 1502 | 480 | 2502 | 240 | Design issue fee |
| 1503 | 640 | 2503 | 320 | Plant issue fee |
| 1460 | 130 | 1460 | 130 | Petitions to the Commissioner |
| 1807 | 50 | 1807 | 50 | Processing fee under 37 CFR 1.17(q) |
| 1806 | 180 | 1806 | 180 | Submission of Information Disclosure Stmt |
| 8021 | 40 | 8021 | 40 | Recording each patent assignment per property (times number of Properties) |
| 1809 | 770 | 2809 | 385 | Filing a submission after final rejection ((37 CFR 1.129(a))) |
| 1810 | 770 | 2810 | 385 | For each additional invention to be Examined (37 CFR 1.129(b)) |
| 1801 | 770 | 2801 | 385 | Request for Continued Examination (RCE) |
| 1802 | 900 | 1802 | 900 | Request for expedited examination of a design application |
| Other Fee (specify) | | | | |
| SUBTOTAL 3. (\$ 40.00) | | | | |

**or number previously paid, if greater; For Reissues, see above

*Reduced by Basic Filing Fee Paid

SUBMITTED BY

| | | | | | |
|-------------------|---|-----------------------------------|--------|-----------|------------------|
| Name (Print/Type) | James B. Myers, Jr. | Registration No. (Attorney/Agent) | 42,021 | Telephone | (317) 634-3456 |
| Signature |  | | | Date | October 31, 2003 |